IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 30962 of 2003(J)

PETITIONER:

SANTHOSH ABRAHAM, S/O. C.V.AVARACHAN,
CHERAYIL HOUSE, KOOMPAMPURA P.O., ADIMALY,
IDUKKI DISTRICT.

BY ADV. SRI.A.J.JOSE(AEDAIODI)

RESPONDENTS:

1. THE KERALA STATE CO-OPERATIVE BANK LTD.,
M.G.ROAD, THIRUVANANTHAPURAM.

ADDL.R2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM

(ADDITIONAL RESPONDENT NO.2 IMPLEADED AS PER ORDER
DATED 15/10/2003 IN I.A.NO.12784/2003)

BY ADV. SRI.T.R.RAMACHANDRAN NAIR
ADV.SRI.V.G.ARUN FOR R1
SENIOR GOVERNMENT PLEADER, SRI P.K.RAVIKRISHNAN FOR R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:-

EXT.P1 TRUE COPY OF COMPROMISE SETTLEMENT SCHEME DATED 29/01/2003

EXT.P2 TRUE COPY OF APPLICATION FOR ONE TIME SETTLEMENT SCHEME SUBMITTED BY PETITIONER TO THE MANAGING DIRECTOR OF RESPONDENT.

EXT.P3 TRUE COPY OF RECEIPT DATED 31/03/2003 FOR AN AMOUNT OF RS.95,000/- ISSUED TO THE PETITIONER'S FATHER C.V.AVARACHAN

RESPONDENT'S EXTS:-

EXT.R1(a) TRUE COPY OF THE ARC NO.138/01 FILED BEFORE THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM, DATED 27/04/2001

EXT.R1 (b) TRUE COPY OF THE CIRCULAR NO.PCD.07/2001-02, DATED 26/04/2001 AND GUIDELINES FOR OTS OF CHRONIC

EXT.R1 (c) TRUE COPY OF THE OTS SCHEME FROM 23/11/2001 TO 30/06/2002

EXT.R1 (d) TRUE COPY OF THE O.T.S.SCHEME FROM 01/07/2002 TO 30/09/2002

EXT.R1(e) TRUE COPY OF THE OTS SCHEME FROM 22/4/2003 TO 30/04/2003

EXT.R1 (f) TRUE COPY OF THE OTS SCHEME FROM 22/4/2003 TO 30/09/2003

EXT.R1 (g) TRUE COPY OF THE LETTER NO.CRM/OTS-M/67/4097/2002-03, DATED 13/09/2002

EXT.R1 (h) TRUE COPY OF THE APPLICATION FORM OF ONE TIME SETTLEMENT SCHEME, DATED 31/03/2003 SUBMITTED BY C.V.AVARACHAN

EXT.R1 (i) TRUE COPY OF THE SPECIAL SCHEME FOR RECOVERY OF OVERDUES FROM 26/08/2002 TO 31/03/2004

EXT.R1 (j) TRUE COPY OF THE APPLICATION FOR SETTLEMENT OF LOAN ACCOUNTED UNDER OTS SCHEME DATED 30/04/2003 SUBMITTED BY SANTHOSH ABRAHAM

\\TRUE COPY //

P.A TO JUDGE

J.M.JAMES, J.

- - - - - - - - - - - - - - - - - - - -

W.P.(C) No. 30962 of 2003 (J)

- - - - - - - - - - - - - - - - - - - -

Dated this the 9th day of January, 2007

J U D G M E N T

The writ petitioner is one of the legal heirs of the defaulter, his father, who died on 16/12/1998. It is submitted that for availaing a loan of Rupees three lakhs, his father mortgaged property of his mother, extending to 1.5 acres. The first respondent has proceeded against the property and, therefore, the prayer of the writ petitioner, who approached this Court is to allow him to pay off the debt, on availing the one time settlement, as per Circular No.59/06 dated 30/11/2006.

2. Considering the submissions made by either side, I direct the writ petitioner to approach the first respondent, the Kerala State Co-operative Bank Ltd., M.G.Road, Thiruvananthapuram, with a representation, requesting for an one time settlement, within 10 (ten) days from today.

3. On receipt of the said representation, the first respondent bank shall extend him all the benefits and facilities available under Circular No.59/2006, dated 30/11/2006. The

amounts so far remitted by the writ petitioner, towards the loan, shall be adjusted for the amount due to the first respondent, as would be fixed, according to the scheme of the one time settlement.

4. The coercive steps, if any, initiated against the writ petitioner, shall be kept in abeyance, till a final order is passed, on the request for an one time settlement, which shall be granted within three weeks from the date of filing of the representation as above.

The writ petition is closed as above.

(J.M.JAMES)
Judge

ms